



United States Mission to the OSCE

Statement on Fraud in Ukrainian Presidential Election

As delivered by Deputy Permanent Representative Paul W. Jones
to the Permanent Council, Vienna
November 25, 2004

Thank you, Mr. Chairman.

In the 1990 Charter of Paris for a New Europe, participating States agreed that: "Democratic government is based on the will of the people, expressed regularly through *free and fair* elections."

The United States is deeply disturbed by the disregard shown by the Ukrainian government for this fundamental OSCE commitment, through its misconduct during the two presidential electoral campaigns and voting rounds.

With reference to the November 21st balloting, President Bush's personal representative to the Ukrainian presidential election, Senator Richard Lugar, has observed: "It is now apparent that a concerted and forceful program of election day fraud and abuse was enacted with either the leadership or cooperation of governmental authorities."

The OSCE International Election Observation Mission similarly assessed that the second round "did not meet a considerable number of OSCE, Council of Europe and other European standards for democratic elections" and that "state executive authorities and the Central Election Commission displayed a lack of will to conduct a genuine democratic election process."

The list of fraudulent and abusive practices reported by credible sources is extensive, and includes outright falsification of results in certain regions; physical intimidation of and violence against voters, election officials and observers; removal of official opposition commissioners, observers and journalists from polling stations; abuse of absentee certificates; coercion of students, public sector employees, and residents of governmental hospitals and prisons; multiple voting; ballot box stuffing; and inaccurate voter lists.

The Ukrainian Government pledged in the Permanent Council on November 4th that it would undertake maximum effort to "overcome" the numerous shortcomings that had been identified during the first round of the presidential election on October 31st.

Despite this pledge, the OSCE observation mission reports the deficiencies were not addressed and that the organization and conduct of the second round actually deteriorated significantly in comparison to the first round.

The overwhelming bias in the state-media against the opposition and rampant abuse of state resources in favor of the Government candidate Prime Minister Yanukovich also continued unabated in the run-up to November 21st.

We understand that Central Election Commission authorities have announced the official results and have declared the current Prime Minister the winner. We do not accept this result as legitimate because there has not been an investigation of the numerous and credible reports of fraud and abuse.

Ukrainian authorities, especially President Kuchma, must spare no effort to investigate and address the numerous and egregious reports of fraud during the November 21st balloting. The government must engage in a process that ultimately reflects the will of the Ukrainian people.

The situation in Ukraine must be resolved *without* the use of force. We appeal for calm and stress that the Government of Ukraine bears special responsibility not to engage in or incite violence against peaceful protesters. For their part, protesters have an obligation to employ peaceful means while exercising their rights.

High-level Ukrainian military and police officers and diplomats have called on their government to respect the democratic process and avoid violence. Hundreds of Ukrainian journalists have refused to uphold government censorship guidelines and have pledged to provide factual reporting to the Ukrainian public on recent developments. We commend these Ukrainians for their courage and resolve.

Today, the U.S. stands with the people of Ukraine in their quest to select their next president democratically.

Mr. Chairman, the United States has consistently indicated that it would be compelled to review its relations with Ukraine if the Ukrainian government did not allow its citizens to choose their next President through elections that meet international standards.

If the Ukrainian government does not act immediately and responsibly there will be consequences for our relationship, for Ukraine's hope for Euro-Atlantic integration, and for individuals perpetrating fraud.

We are now looking closely at additional Ukrainian officials at the national, regional and local levels who may fall under the provisions of U.S. Presidential Proclamation 7750 on denying visas to individuals who engage in corrupt and anti-democratic practices.

Mr. Chairman, the United States believes that the OSCE must stay involved in the unfolding situation in Ukraine. We would like to thank the OSCE International Election Observation Mission for its excellent work under difficult circumstances and for its preliminary findings. We welcome continuing commentary by the OSCE observation team on the tabulation of results and post-election complaints and appeals processes.

We call on the Central Election Commission to provide the information regarding the tabulation of election results that the Head of the OSCE observation mission, Ambassador Ahrens, requested in an official letter of November 23rd.

Thank you, Mr. Chairman.